

## Chapter 13: Tribal Enforcement

### Section 13.045: Enforcing Support on a Tribal Case

This section explains what actions to take when you want to enforce a support order.

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#### CONTENTS

Laws	<a href="#">Chapter 26.25 RCW</a> cooperative child support services – tribes <a href="#">Chapter 37.12 RCW</a> tribal relations <a href="#">Washington State Centennial Accord of 1989</a>
Policy	<p>Treat all federally recognized tribes as independent sovereign governments.</p> <p>DCS seeks to work with Indian tribes to develop <a href="#">informal processes</a> and <a href="#">cooperative agreements</a> to address child support.</p> <p>The Tribal Liaison decides what enforcement actions may be taken on a tribal case based on the tribal cooperative agreement.</p> <p>Regional DCS Tribal Relations staff and <a href="#">ESA STRU</a> work in partnership.</p>
Procedure	Consult the regional Tribal Liaison for available remedies before taking any enforcement action.
Visual Aids	<a href="#">Tribal Relations</a> Internet site <a href="#">Tribal Chart 1</a> <a href="#">SEMS Web TI - Tribal Information</a>
Automated Actions	If any party's <b>BI</b> is coded with a tribal affiliation, SEMS will change Enf Svcs on <b>BC</b> to 8. No Auto Eval will occur.
SEMS Screens	<b><a href="#">BC</a>, <a href="#">OR</a>, <a href="#">IA</a>, <a href="#">ES</a>, <a href="#">CC</a>, <a href="#">BI</a></b>
Forms Used	<a href="#">09-836</a> , <a href="#">09-874</a> Most DCS forms note procedures for tribal cases.
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	<a href="#">DSHS Administrative Policy 7.01</a> Federal Indian Policy <a href="#">Chapter 7</a> Establishment of a Support Obligation <a href="#">Chapter 10</a> Collection Tools and Assets <a href="#">Section 13.040</a> Tribal Limitations and <a href="#">13.055</a> Tribal Medical <a href="#">Chapter 19</a> Debt Calculation

## PROCEDURES

### A. What do I need to know about collection actions on tribal cases?

1. The Tribal Liaison will determine if a process exists with the tribe regarding wage withholding, or if alternative methods to attach earnings can be considered.
  - a. Alternative methods may include contacting the NCP to negotiate a tribal voluntary **Assignment of Earnings or Income From an Indian Tribe, Tribal Enterprise, or Indian-Owned Business**, DSHS 09-836, voluntary payments, or an EFT.
  - b. DCS has the authority to attach off-reservation assets and income, including UC, L&I benefits, lottery prizes, and bank accounts, unless a cooperative agreement says otherwise.
2. Do not send a collection action to an Indian tribe, a tribally-owned enterprise, or an Indian-owned business located on a reservation or trust land. Transfer the tribal case to your Tribal Liaison.
3. Since individual tribes may have formal or informal agreements with DCS regarding collection, including referring enforcement cases to the tribe, consult the Regional Tribal Liaison for available remedies before sending any collection action.
4. If there appear to be collectible assets on a case with tribal connections, refer the case to the Regional Tribal Liaison or Tribal Claims Officer. The Tribal Liaison will consult with ESA STRU to determine what actions they may take.

### B. How can I tell if a business is associated with a tribe?

1. Often the employer's name, location, or type of business will alert you that it may be associated with a tribe. See SEMS Web TI - Tribal Information to search for employers.
2. If you cannot determine the tribal status of an employer after searching SEMS Web TI - Tribal Information, consult the regional Tribal Liaison. Tribal status determines whether the employer is exempt from DCS collection actions.

### C. What if I find out a business is associated with a tribe?

1. If the name does not appear after searching SEMS Web TI - Tribal Information, give the business name and address to your Tribal Liaison to request an update of the database.
2. Transfer the case to the Tribal Liaison if the NCP is still employed.

### D. Can I take noncompliance action against a tribe?

1. You cannot take noncompliance action against any tribal employer or Indian-owned business.

**E. Can I take NWEF action, refer a case for contempt, or ask that the NCP be posted to the DCS Most Wanted website?**

1. Collection remedies such as these should only be considered if all other normal collection remedies have failed, including possible referral to the tribe. Refer the case to the regional Tribal Liaison. The liaison will consult with ESA STRU to determine whether or not to proceed.